IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.451 OF 2006
WITH
CIVIL APPLICATION NO.552 OF 2006

Mr.Ram Labbaya Suri. ..Appellant.

V/s.

Mrs.Mandakini D. Bhalerao & Anr. ..Respondents.

Mr.Ashok M. Saraogi for appellant.

Mr.S.V.Borkar for respondent No.1.

CORAM: A.M.KHANWILKAR,J

DATE : AUGUST 9, 2006.

P.C. :

1. After hearing counsel appearing for the parties, whole controversy can be resolved as both the parties agree that court appointed plumber should undertake the work of installation of water pipe line and incidental work thereto in confirmity with the approval agreed by the Corporation in that behalf. The costs for undertaking such work will be borne by both the parties in the proportion of 2:3. Both the sides are agreed on this position. Parties shall initially deposit aggregate sum of Rs.25,000/- in this court within one week from today, in the ratio of Rs.10,000/-(Appellant) and Rs.15,000/-(Respondent No.1). On such deposit being made the Court Receiver

of this court shall appoint private plumber/-contractor to undertake the said work either by P.A.Rane c/o Suchit Construction, 404, Anil Apartment, Nane Pada, Mithagar Road, Mulund (E), Mumbai-81(Tel.No.25638180, 9869212352) or by Build Craft Associates, 71, Morland Road, Mumbai-8 (Tel.No. 23063168, 23063169) subject to their availability. The said plumber/contractor shall complete the work within two weeks from the date of the appointment. Both sides agree that they will extend full cooperation to the said agency for completing work and shall not create any untoward situation on the site. That assurance is accepted.

2. In view of the above arrangement, nothing would survive for consideration in this appeal. The same is disposed of with observation that the Court Receiver shall settle the bills of the plumber/contractor out of the funds deposited by the parties in this court in terms of this order. In case, any further payment is required to be made, both the parties assure through counsel that they will contribute and deposit such amount in the same ratio i.e. 2:3. That payment will be made by the parties within one week from receipt of the intimation from the Court Receiver.

3. Appeal as well as civil application disposed of on the above terms.

4. At this stage, counsel for the parties point out that both parties are senior citizens, for which reason, hearing of the suit be expedited. Such request, if made before the Trial Court, the Trial Court is well-advised to pass appropriate direction, so that the suit can be disposed of expeditiously under the category of Senior Citizen.

5. Copy of this order be forwarded to the Court Receiver for taking appropriate action in this behalf.